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Letter dated 16 July 2015 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

The United States Mission to the United Nations requests that the attached statement (see annex) and its attachment be circulated as a document of the Security Council.

(*Signed*) Samantha **Power**
Ambassador

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Annex to the letter dated 16 July 2015 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Statement

China, France, Germany, the Russian Federation, the United Kingdom, the United States, and the European Union have concluded with Iran a Joint Comprehensive Plan of Action (JCPOA) to reach a comprehensive, long-term and proper solution to the Iranian nuclear issue. To improve transparency and create an atmosphere conducive to the full implementation of the JCPOA, China, France, Germany, the Russian Federation, the United Kingdom, the United States, and the European Union have set forth below certain provisions. Their participation in the JCPOA is contingent upon the United Nations Security Council adopting a new resolution that would, acting under Article 41 of the UN Charter: terminate resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010), and 2224 (2015); require States to comply with the provisions in this statement for their respective durations; and facilitate, in cooperation with the Joint Commission established in the JCPOA, implementation of the JCPOA as provided in paragraphs 2 and 6(a) below.

As provided by a resolution so deciding, the following provisions would apply on the date on which the IAEA Director General submits a report verifying that Iran has taken the actions specified in paragraph 15.1-15.11 of Annex V of the JCPOA:

1. The term "all States" as used in this document, and as incorporated in the resolution, means "all States without exception."

2. All States may participate in and permit the following activities provided that approval is provided in advance, on a case-by-case basis, by the Security Council:

   (a) the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology set out in INFCIRC/254/Rev.12/Part 1 and INFCIRC/254/Rev.9/Part 2 (or the most recent versions of these documents, as updated by the Security Council), as well as any further items if the State determines that they could contribute to reprocessing or enrichment-related or heavy water-related activities inconsistent with the JCPOA;

   (b) the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the items, materials, equipment, goods and technology described in subparagraph (a) above; and

   (c) acquisition by Iran of an interest in a commercial activity in another State involving uranium mining or production or use of nuclear materials and technology as listed in INFCIRC/254/Rev.12/Part 1, and such investment in territories under their jurisdiction by Iran, its

nationals, and entities incorporated in Iran or subject to its jurisdiction, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them,

except that approval in advance by the Security Council shall not be required for the supply, sale, or transfer to Iran of equipment covered by B.1 of INFCIRC/254/Rev.12/Part 1 when such equipment is for light water reactors, low-enriched uranium covered by A.1.2 of INFCIRC/254/Rev.12/Part 1 when it is incorporated in assembled nuclear fuel elements for such reactors, as well as items, materials, equipment, goods and technology set out in INFCIRC/254/Rev. 9/Part 2 only when for exclusive use in light water reactors.

For any items, materials, equipment, goods and technology that are approved by the Security Council pursuant to subparagraph (a) above, or are supplied, sold, or transferred subject to the exception stated above, States are to ensure that: (a) the requirements, as appropriate, of the Guidelines as set out in the referenced INFCIRC have been met; (b) they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item; (c) they notify the Security Council within ten days of the supply, sale or transfer; and d) in the case of supplied items, materials, equipment, goods and technology listed in the referenced INFCIRCs, they also notify the IAEA within ten days of the supply, sale or transfer.

And except also that approval in advance by the Security Council is not required for the supply, sale, or transfer of items, materials, equipment, goods and technology, and the provision of any related technical assistance, training, financial assistance, investment, brokering or other services, that is directly related to the necessary modification of two cascades at the Fordow facility for stable isotope production, the export of Iran's enriched uranium in excess of 300 kilograms in return for natural uranium, and the modernization of the Arak reactor based on the agreed conceptual design and, subsequently, on the agreed final design of such reactor, provided that Member States ensure that: (a) all such activities are undertaken strictly in accordance with the JCPOA; (b) they notify the Security Council and Joint Commission ten days in advance of such activities; (c) the requirements, as appropriate, of the Guidelines as set out in the referenced INFCIRC have been met; (d) they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item; and (e) in case of supplied items, materials, equipment, goods and technology listed in the referenced INFCIRCs, they also notify the IAEA within ten days of the supply, sale or transfers.

This paragraph shall apply until the date ten years after JCPOA Adoption Day, as defined in the JCPOA, except if the IAEA submits a report confirming the Broader Conclusion before that date, then the requirement to obtain approval in advance by the Security Council shall be suspended immediately and, beginning on the date of this suspension, the exceptions provided for in this paragraph shall continue to apply and all States may participate in and permit the activities set forth in this paragraph if they notify the Security Council and the Joint Commission at least ten working days in advance of each such activity on a case-by-case basis.

3. Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, until the date eight years after the

JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.

4. All States may participate in and permit the activities described below *provided* that the Security Council decides in advance on a case-by-case basis to permit such activity:

   (a) the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to or from Iran, or for the use in or benefit of Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology set out in S/2015/546 and of any items, materials, equipment, goods and technology that the State determines could contribute to the development of nuclear weapon delivery systems; and

   (b) the provision to Iran of any technology or technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, or Iran's acquisition of an interest in any commercial activity in another State, related to the supply, sale, transfer, manufacture or use of the items, materials, equipment, goods and technology described in subparagraph a of this paragraph or related to the activities described in paragraph 3.

provided that in the event of an approval by the Security Council: (a) the contract for delivery of such items or assistance include appropriate end-user guarantees; and (b) Iran commit not to use such items for development of nuclear weapon delivery systems.

This paragraph shall apply until the date eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.

5. All States may participate in and permit, *provided* that the Security Council decides in advance on a case-by-case basis to approve: the supply, sale or transfer directly or indirectly from or through their territories, or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, to Iran, or for the use in or benefit of Iran, of any battle tanks, armoured combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts, and the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, manufacture, maintenance, or use of arms and related materiel described in this subparagraph.

   This paragraph shall apply until the date five years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.

6. All States are to:

   (a) Take the necessary measures to ensure that any activities described in paragraphs 2, 4, and 5 occur on their territories, or involving their nationals or individuals subject to their jurisdiction, or involving their

flag vessels or aircraft, only pursuant to the relevant terms of those paragraphs, and also to prevent and prohibit any activities inconsistent with these provisions, until the date ten years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier;

(b) Take the necessary measures to prevent, except as decided otherwise by the UN Security Council in advance on a case-by-case basis, the supply, sale, or transfer of arms or related materiel from Iran by their nationals or using their flag vessels or aircraft, and whether or not originating in the territory of Iran, until the date five years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier;

(c) For eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier, continue to freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of the JCPOA, and freeze the funds, other financial assets and economic resources which are on their territories at any time thereafter, that are owned or controlled by the individuals and entities that were specified on the list established and maintained by the Committee pursuant to resolution 1737 (2006) as of the date of adoption of the new resolution, with the exception of those individuals and entities specified in Attachment hereto, or that may be de-listed by the Security Council, and freeze those of additional individuals and entities that may be designated by the Security Council as: having engaged in, directly associated with or provided support for Iran's proliferation-sensitive nuclear activities undertaken contrary to Iran's commitments in the JCPOA or the development of nuclear weapon delivery systems, including through the involvement in procurement of prohibited items, goods, equipment, materials and technology specified in this statement; having assisted designated individuals or entities in evading or acting inconsistently with the JCPOA or the new resolution; having acted on behalf or at the direction of designated individuals or entities; or having been owned or controlled by designated individuals or entities, including through illicit means.

(d) For eight years from the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier, ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of designated individuals or entities. These requirements shall not apply to funds, other financial assets or economic resources that have been determined by relevant States:

i. To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision

of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Security Council of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Security Council within five working days of such notification;

ii. To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Security Council and has been approved by the Security Council;

iii. To be necessary for the civil nuclear cooperation projects described in Annex III of the JCPOA, provided that such determination has been notified by the relevant States to the Security Council and has been approved by the Security Council;

iv. To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of Security Council resolution 1737 (2006), is not for the benefit of a person or entity subject to the measures in this paragraph, and has been notified by the relevant States to the Security Council; or

v. To be necessary for activities directly related to the items specified in paragraph 2, or to any other activity required for the implementation of the JCPOA, provided that such determination has been notified by the relevant States to the Security Council and has been approved by the Security Council.

In addition, this provision shall not prevent a designated individual or entity from making payment due under a contract entered into prior to the listing of such individual or entity, provided that the relevant States have determined that the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in this statement; the payment is not directly or indirectly received by an individual or entity subject to the measures in this paragraph; and after notification by the relevant States to the Security Council of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorization.

In addition, States may permit the addition to the accounts frozen pursuant to this paragraph of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts were frozen, provided that such interest, other earnings and payments continue to be subject to these measures and are frozen;

(e) For five years from the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier, take the necessary measures to prevent the entry into or transit through their territories of individuals described in paragraphs 6(c) above, although underlining that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory. The measures imposed in this paragraph shall not apply when the Security Council determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Security Council concludes that an exemption would otherwise further the objectives of the new resolution, including where Article XV of the IAEA statute is engaged;

(f) Take the required actions, in accordance with the resolution and guidance provided by the Security Council, with respect to items the supply, sale, transfer, or export of which is being undertaken contrary to the provisions contained in the JCPOA or this statement, and cooperate in such efforts.

7. All States are called upon to facilitate full implementation of the JCPOA by inspecting, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from Iran, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer, or export of which is being undertaken contrary to the provisions contained in the JCPOA or this statement; and are called upon also to cooperate in inspections on the high seas with the consent of the flag State, if there is information that provides reasonable grounds to believe the vessel is carrying items the supply, sale, transfer or export of which is being undertaken contrary to the provisions contained in the JCPOA or this statement.

China, France, Germany, the Russian Federation, the United Kingdom, the United States and the European Union note their understanding that, upon adoption of a resolution endorsing the JCPOA, the Security Council would make the practical arrangements to undertake directly the tasks specified in this statement, including to monitor and take action to support the implementation by Member States of these provisions, review proposals described in paragraph 2 of this statement, answer inquiries from Member States, provide guidance, and examine information regarding alleged actions inconsistent with the resolution. Furthermore, these states propose that the Security Council ask the Secretary-General to report to the Security Council on the implementation of these provisions every six months.

The duration of the provisions in this statement may be reviewed by the Joint Commission at the request of any participant at its biannual ministerial-level meetings, at which time the Joint Commission could make recommendations by consensus to the Security Council.

ATTACHMENT

1. AGHA-JANI, Dawood
2. ALAI, Amir Moayyed
3. ASGARPOUR, Behman
4. ASHIANI, Mohammad Fedai
5. ASHTIANI, Abbas Rezaee
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7. BAKHTIAR, Haleh
8. BEHZAD, Morteza
9. ESFAHAN NUCLEAR FUEL RESEARCH AND PRODUCTION CENTRE (NFRPC) AND ESFAHAN NUCLEAR TECHNOLOGY CENTRE (ENTC)
10. FIRST EAST EXPORT BANK, P.L.C.:
11. HOSSEINI, Seyyed Hussein
12. IRANO HIND SHIPPING COMPANY
13. IRISL BENELUX NV
14. JABBER IBN HAYAN
15. KARAJ NUCLEAR RESEARCH CENTRE
16. KAVOSHYAR COMPANY
17. LEILABADI, Ali Hajinia
18. MESBAH ENERGY COMPANY
19. MODERN INDUSTRIES TECHNIQUE COMPANY
20. MOHAJERANI, Hamid-Reza
21. MOHAMMADI, Jafar
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26. PARS TRASH COMPANY
27. PISHGAM (PIONEER) ENERGY INDUSTRIES
28. QANNADI, Mohammad
29. RAHIMI, Amir
30. RAHIQI, Javad
31. RASHIDI, Abbas
32. SABET, M. Javad Karimi
33. SAFDARI, Seyed Jaber
34. SOLEYMANI, Ghasem
35. SOUTH SHIPPING LINE IRAN (SSL)
36. TAMAS COMPANY